

Court of Appeals, State of Michigan

ORDER

CAROL SALLOUM V PONTIAC OSTEOPATHIC HOSPITAL

Henry William Saad
Presiding Judge

Docket No. 296891

Kathleen Jansen

LC No. 2007-086648-NH

Pat M. Donofrio
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders the Oakland Circuit Court to conduct a hearing before trial to determine the reliability and admissibility under MRE 702 and MCL 600.2955 of Dr. Nitin Paranjpe's proposed expert opinion testimony regarding damages for loss of parental training and guidance. *Daubert v Merrill Dow Pharmaceuticals Inc*, 509 US 579; 113 S Ct 2786; 125 L Ed 2d 469 (1993); *Chapin v A&L Parts Inc*, 274 Mich App 122; 732 NW2d 578 (2007), lv den 478 Mich 916 (2007); *Kallas v Carnival Corp*, unpublished opinion of the US District Court; 79 Fed R Evid Serv (Callaghan) 160; 2009 US Dist LEXIS 33797 (SD Florida, docket no. 06-20115-Civ; 3/30/09). The circuit court shall make specific findings regarding each element of MRE 702 and the elements of MCL 600.2955(1)(a) through (g) before proceeding to trial in this matter.

The motion to stay proceedings is DENIED.

This order shall have immediate effect. MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 12 2010
Date

Sandra Schultz Mengel
Chief Clerk